

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GAYLORD DUFF,)	
)	
Plaintiff,)	8:05CV140
)	
v.)	
)	
JUDY REMIL, TERRY BUTKUS,)	ORDER
VALERY GRANHOL, ROBERT)	
HOUSTON, CHARLES WEST, KEN)	
SMIDT, AARON HALL, JAMES)	
GESCH, HAROLD CLARK, FRANK)	
HOPKINS, FRED BRITTEN, ROBERT)	
SCHMUCKER, SCOTT MARSHALL,)	
ALLEN PHERSON, LINDA LEONARD,)	
KAREN SHORTRIDGE, DONALD)	
STENBERG, GEORGE GREEN,)	
RICHARD LEECH, BRAD EKSTROM,)	
and LINDA WILLARD,)	
)	
Defendants.)	
_____)	

Before the court is the report and recommendation of United States Magistrate Judge Thomas D. Thalken (Filing No. 49) recommending that the court dismiss without prejudice the plaintiff's complaint against Judy Remil, Terry Butkus, Aaron Hall, Robert Schmucker, Allen Pherson and Richard Leech pursuant to Federal Rule of Civil Procedure 4(m).

No objection has been filed to the report and recommendation. Pursuant to NECivR 72.3(d) and 28 U.S.C. § 636(b)(1)(C), the court has conducted a de novo review of the record and adopts the report and recommendation in its entirety.

THEREFORE, IT IS HEREBY ORDERED that:

(1) The report and recommendation (Filing No. 49) is adopted in its entirety;
and

(2) The plaintiff's complaint (Filing No. 1) is hereby dismissed without prejudice against Judy Remil, Terry Butkus, Aaron Hall, Robert Schmucker, Allen Pherson and Richard Leech.

DATED this 6th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge